

FILED

09/02/2022

**U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Roger A.G. Sharpe, Clerk**

COMPLAINT FORM

(for filers who are prisoners without lawyers)

(revised 4/19/2022)

IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF Indiana

(Full name of plaintiff(s))

Robert Joseph Dale Clinkenbeard

and

Inmates of F.C.I. Terre Haute

v.

Case Number:

2:22-cv-00385-JMS-DLP

(Full name of defendant(s))

Warden T. Rule

(to be supplied by clerk of court)

and

American Correctional Association

A. PARTIES

1. Plaintiff is a citizen of Iowa, and is located at
(State)

P/O Box 33 Terre Haute Indiana 47808
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper).

2. Defendant Warden T. Rule
(Name)

is (if a person or private corporation) a citizen of Indiana
(State, if known)

and (if a person) resides at N/A
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for F.C.I. Terre Haute / Federal Bureau of Prisons
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

Warden T. Aule is knowingly indifferent to the unconstitutional living conditions that F.C.I. Terre Haute presents. These conditions are neither mild nor are they temporary.

The inmate population at F.C.I. Terre Haute is crowded, as double celling at this facility (which was designed for single man celling in the 1930's) is not temporary, it is standard practice

and has been for some time.

This over-population has lead to a drastic decline in the Health Services provided at F.C.I Terre Haute. The medical staff are overencumbered to the point of lengthy delays for necessary medical treatment. Multiple sick-calls are required over the period of weeks and months to get scheduled for a non-routine assessment. Response to emergency medical situations are lax to the point of being ignored almost entirely.

This building is literally falling apart. The roof is caving-in in many areas. There is lead paint and exposed asbestos currently inside of this building.

Among many other issue - See Attachment -

The A.C.A. is complicit in the knowingly deliberate constitutional violations, in that the Warden has laid the responsibility for the conditions of this facility solely at the feet of the A.C.A. due to the American Correctional Association's recent inspection and accreditation - See Attached e-mail from F.C.I. Warden -

TRULINCS 17633029 - CLINKENBEARD, ROBERT JOSEP - Unit: THA-C-A

FROM: FCI Warden

TO: 17633029

SUBJECT: RE:***Inmate to Staff Message***

DATE: 08/24/2022 09:42:02 AM

This is in response to your electronic copout dated August 21, 2022, wherein you allege FCI Terre Haute is overpopulated and request a population decrease. ~~FCI Terre Haute was recently reaccredited by the American Correctional Association (ACA)~~ which is the industry standard for the management and operation of American jails and prisons. We house all inmates in a safe and humane environment, and in accordance with ACA standards.

I trust this information is responsive to your request.

From: ~^! CLINKENBEARD, ~^!ROBERT JOSEPH D <17633029@inmatemessage.com>

Sent: Sunday, August 21, 2022 1:56 PM

To: THA-InmateToWarden (BOP) >

Subject: ***Request to Staff*** CLINKENBEARD, ROBERT, Reg# 17633029, THA-C-A

To: T. Rule

Inmate Work Assignment: UNICOR

F.C.I. Terre Haute inmate population is crowded and over-populated.

The cells in this building were designed to accommodate approx. 500 inmates. It now currently houses roughly double that figure. By B.O.P. policy and Program Statement 1060.44, all cells under 70 sq.ft. are to be used for "single [man] occupancy only". All of the cells were designed for single man occupancy and are all under 57 sq.ft. (most are smaller than that) this figure includes the bed, toilet, locker, and other fixtures...leaving each individual inmate with around 13 sq.ft. of occupiable, standing space... Far below that required by the B.O.P. Program Statement.

I am requesting for the inmate population of F.C.I. Terre Haute to be drastically reduced, to begin by transferring the large population of the inmates who are over 500 "driving miles" from their release residence, as well as the inmates who have less than "Medium" custody score.

~~Attachment~~

F.C.I. Terre Haute's inmate population is over-crowded

F.C.I. Terre Haute was originally designated as a United States Penitentiary when it opened in 1940. It was designed to accommodate approximately 500 inmates. It now currently houses roughly double that figure.

The cells are all, at most, 60 sq. ft. They were designed for single man occupancy. Per B.O.P. policy "medium security" living quarters, which are less than 70 sq. ft. are to be used for single man occupancy only, however, they currently all house at least two inmates, leaving each individual inmate with at most 30 sq. ft. to live. (This measurement includes the bed, lockers, toilet, sink, and other fixtures).

F.C.I. Terre Haute has made double celling a standard in practice, and it is not a temporary condition. Most of the inmates incarcerated at F.C.I. Terre Haute are forced to spend their waking hours inside of cramped cells. Federal inmates serve extended terms of imprisonment, which only accentuate the problems of close proximity confinement.

1. The building itself is dilapidated and parts of this facility have been condemned by the state;

- a. There are many windows with broken or no glass in them at all.
- b. The mortar is falling out of the brick.
- c. There is exposed asbestos inside the building.
- d. Lead pipes carry drinking water.
- e. The tile in the showers are cracked and have black mold.
- f. There is no ventilation system in the cells.
- g. The roof is in extreme disrepair causing flooding throughout the building.

2. This excessive population has led to a decline in health services including;

- a. Dental, which has a waiting list backed up from 2018 for routine teeth cleaning or fillings, (over 4 year waiting list), this prolonged wait for dental care leads to further oral complications, creating unnecessary pain and suffering.
- b. Vision, which has a minimum of a year to receive a vision test.
- c. Medical treatment is delayed, as multiple sick calls over the span of weeks are required for a non-routine assessment.

3. F.C.I. Terre Haute is also allegedly a care level 3 facility, however;

- a. There are no wheelchair access ramps on this entire compound.
- b. None of the shower stalls have a "grab-bar" for the elderly and infirmed.

c. None of the cells are equipped with a "call-button" in the case of a medical emergency or sexual assault

d. This Facility is not in compliance with the "Americans with Disabilities Act"

4. The sanitation at F.C.I. Terre Haute is negligent and deplorable;

- a. The cells, bathroom, common areas, and chow hall are all infested with rodents and "thumb-sized" cockroaches, which are rampant throughout the entire building.
- b. Inmates are not provided with adequate soap or cleaning supplies
- c. Inmates are not provided with proper extermination methods to deal with pest infestations.

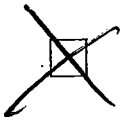
5. There is a severe staffing shortage which has led to the following issues;

- a. Inadequately or improperly trained personnel filling in for positions for which they are not qualified to fulfill.
- b. Increased violence due to;
 - i. Lack of staff
 - ii. Severe overcrowding
 - iii. Improperly trained staff
- c. Cell restrictions imposed.
 - i. Inmates are confined to their cells for days at a time.
- d. Preventing inmates from participating in programming.
- e. Interferes with other activities such as recreation, library, and religious services.

- 6. Food is unappetizing, inadequately proportioned, and often harmful for human consumption as it is poorly prepared and often infested with insects and served without utensils and very seldom follows the "National Menu", required by the B.O.P.
- 7. Noise levels are excessive to the point many inmates suffer migraines or are forced to wear uncomfortable earplugs.
- 8. There is no accountability for abuse, verbal or physical, which the inmate population suffers at the hands of correctional officers, as the staff at F.C.I. Terre Haute are not required to undergo any type of sensitivity training. In fact, physical conflicts are incentivized, by this facility, in the form of financial compensation to prison guards for alleged "injuries" sustained by the guards during a confrontation, as well as, extended paid leave after the altercation, which invariably results in a hostile living environment for the inmate population.

9. Medical care is shockingly poor, as the response to medical emergencies is negligently slow and often disregarded.

C. JURISDICTION



I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR



I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is

\$ _____.

D. RELIEF WANTED

Describe what you want the court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or stop doing something.

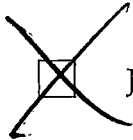
Injunctive Relief- F.C.I. Terre Haute
declared closed to the housing of prisoners

Declaratory Relief- Transfer out all inmates
to Facilities that can accomodate them

Compensatory Damages- as well as
Punitive Damages- Per day, for every
day served in this unconstitutional
environment, in the amount of not
less then \$50.00 per day

Or in the alternative; any relief
this court is able and sees fit
to grant

E. JURY DEMAND



☒ Jury Demand - I want a jury to hear my case
OR

☐ Court Trial - I want a judge to hear my case

Dated this _____ day of _____ 20____.

Respectfully Submitted,

RQDC
Signature of Plaintiff

17633-029
Plaintiff's Prisoner ID Number

P/O Box 33 F.C.I. Terre Haute
Indiana 47808
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper).

F. OPTIONAL CERTIFICATION

Under penalty of perjury, I declare that the facts alleged in this complaint are true and correct to the best of my knowledge and belief.

Signature of Plaintiff

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE

FILING FEE

☒

I **DO** request that I be allowed to file this complaint without paying the filing fee. I have completed a request to proceed in the district court without prepaying the fee and attached it to the complaint.

☐

I **DO NOT** request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.